



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

ZACHARY W. CARTER
Corporation Counsel

KAVIN THADANI
Senior Counsel
Phone: (212) 356-2351
Fax: (212) 356-3509
kthadani@law.nyc.gov

September 25, 2018

VIA ECF

Honorable Cheryl L. Pollak
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Martinez v. City of New York, et al., 1:16-cv-00079-AMD-CLP

Your Honor:

I am a Senior Counsel in the Office of Zachary W. Carter, Corporation Counsel of the City of New York, and the attorney representing defendants in the above-referenced matter. Defendants write to respectfully request a blanket unsealing order pertaining to any sealed records contained in certain disciplinary files which plaintiff has requested and defendants have agreed to obtain for inspection and/or production.

As explained in defendants' September 21, 2018 letter to the Court, defendants have agreed to obtain 17 disciplinary files and closing reports for inspection and/or production, and have objected to producing the remaining 120 or so files and closing reports requested by plaintiff.

However, upon information and belief, pursuant to N.Y.C.P.L. §§ 160.50 and 160.55, these 17 files and closing reports may contain sealed arrest records pertaining to third parties. Accordingly, without a court order unsealing this information, the New York City Police Department ("NYPD") is statutorily prohibited from disclosing this information.

Due to the inclusion of sealed arrest records in a number of these files, and the amount of time it would take the NYPD to determine if each document were sealed, it is impractical to submit individual unsealing orders for each instance where one is necessary. Accordingly, defendants respectfully request that the Court So-Order the attached blanket unsealing order.

Thank you for your consideration.

Respectfully,

/s/ **Kavin Thadani**

Kavin Thadani
Senior Counsel
Special Federal Litigation Division

Encl.

cc: **BY ECF**
Gabriel Harvis, Esq.
Baree Fett, Esq.
Attorneys for Plaintiff